



accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” Mayfield v. Nat’l Ass’n for Stock Car Auto Racing, Inc., 674 F.3d 369, 378 (4th Cir. 2012) (internal quotation marks omitted). “Rule 59(e) motions may not be used to make arguments that could have been made before the judgment was entered.” Hill v. Braxton, 277 F.3d 701, 708 (4th Cir. 2002).

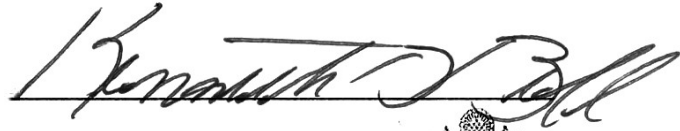
As a preliminary matter, the Court notes that it has jurisdiction to consider Plaintiff’s Rule 59(e) motion during the pendency of Plaintiff’s appeal. See Fed. R. App. P. 4(a)(4)(A)(iv) (“If a party files in the district court [a Rule 59 motion to alter or amend the judgment] – and does so within the time allowed by [that rule] – the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion”); Fed. R. App. P. 4(a)(4)(B)(i) (“If a party files a notice of appeal after the court announces or enters a judgment – but before it disposes of any motion listed in Rule 4(a)(4)(A) [including a Rule 59 motion to alter or amend] – the notice becomes effective to appeal a judgment or order, in whole or in part, when the order disposing of the last such remaining motion is entered”).

Here, the Plaintiff argues that “the duplicated filing [was] no fault of [his] own by proof of the Title 1, United States Justice Manual in which ... the Plaintiff [is] requesting summons forms to proceed in this action.” [Doc. 17 at 1]. He seeks “review[] by a supervisor who is not implicated by the allegation” U.S. Attorney’s Manual. [Id. at 2]. These conclusory and nonsensical arguments fail to identify any intervening change in law, new evidence, or clear error of law. The Plaintiff appears to disagree with the Court’s determination that this action is duplicative, and he cites rules that are inapplicable to this action. The Plaintiff has presented no basis for Rule 59(e) relief and, accordingly, the Motion to Alter or Amend is denied.

**IT IS, THEREFORE, ORDERED** that the Plaintiff’s “Petition for Rehearing” [Doc. 17]

is construed as a Rule 59(e) Motion to Alter or Amend and it is **DENIED**.

Signed: May 31, 2024

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell  
United States District Judge

